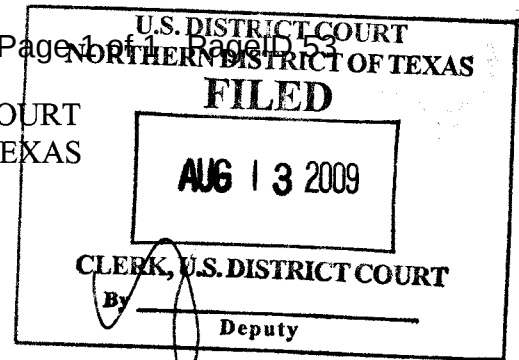


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA)

VS.)

BRIAN MODESTER)

CASE NO.: 3:09-CR-035-M

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

BRIAN MODESTER, by consent, under authority of United States v. Dees, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count(s) 1 of the Indictment. After cautioning and examining BRIAN MODESTER under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty, and the plea agreement, be accepted, and that BRIAN MODESTER be adjudged guilty and have sentence imposed accordingly.

Date: August 13, 2009


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).